

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**September 8, 2004**

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Mayor David Dermer  
Vice-Mayor Richard L. Steinberg  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

- PA1 Key to the City & Certificate of Appreciation/David Wallack, \$5,500 Dollars Donation.
- PA2 Proclamation Declaring September 15 - October 15, 2004, Hispanic Heritage Month.
- PA3 Presentation of the FPL Energy Efficiency Upgrade Rebate to City Of Miami Beach.
- PA4 Certificate of Appreciation/Miami Beach Fire Department for Receiving Full Accreditation.
- PA5 Certificate of Appreciation/D. De Lucca, P. Schneider & C. Press, Hip Hop Symposium. (Dermer)
  
- C2A Approve Purchase of (1) 2005 Sterling LT7500 Truck Chassis, \$81,622.
- C2B BA 30-03/04, Supply & Delivery of Rock, Soil & Sand, \$100,000.
- C2C BA 31-03/04, Provide Grounds Maintenance Services, \$433,159.
- C2D BA 5-03/04, Records Management & Services, \$37,925.40.
  
- C4A Ref: Planning Board - Amend Procedures for Appeals to Commission from the DRB. (Smith)
- C4B Ref: Finance & Citywide Projects Committee - Proposed A.I. Boymelgreen Project at 5<sup>th</sup> & Alton.
- C4C Ref: Neighborhood/Community Affairs Committee - National Register of Historic Places District.
- C4D Ref: Neighborhood/Community Affairs Committee - Ordinance Regulating Swales.
  
- C6A Report: Special Finance & Citywide Projects Committee Meeting of July 22, 2004.
- C6B Report: Neighborhood/Community Affairs Committee Meeting of July 26, 2004.
- C6C Report: Finance & Citywide Projects Committee Meeting of August 18, 2004.
  
- C7A Accept Recommendation, South Pointe Streetscape Improvement Project.
- C7B Execute Amendment, Renovation of the Normandy Shore Golf Course Project.
- C7C Declare Emergency/Waive Bidding, "Sales Tax Recovery Program" - Colony Theater Project. **5/7**
- C7D Appropriate Funds, 25<sup>th</sup> Street Water Tanks & Pumping Station Project.
- C7E Issue RFQ, Biscayne Point Right of Way Infrastructure Improvement Project.
- C7F Issue RFQ, North Shore Right of Way Infrastructure Improvement Project.
- C7G Execute a Mutual Aid Agreement with the City of Coral Gables.
- C7H Accept Recommendation, Placement of Commemorative Plaque for Joseph J. Villari.
- C7I Set Public Hearing, Proposed Uses of Local Law Enforcement Block Grant Funds.

- C7J Retroactively Approve/Submit Grant Application, North Shore Open Space Park Project.  
C7K Retroactively Approve Placement of (10) Banners for the MTV Video Music Awards Show.  
C7L Waive Bidding/Issue Purchase Order, Federal A.P.D. Parking Equipment, \$37,163.17. **5/7**  
C7M Execute Public Purpose Lease Agmt w/ FDOT, North Shore Community Improvement District.  
C7N Accept Recommendation, Building Inspection Services & Five Year Plan for Capital Repair.  
C7O Issue RFP, Claim Administration Services for CMB Self-Insured Worker's Comp Program.

### **REGULAR AGENDA**

- R5A **5:30 p.m. 2<sup>nd</sup> Rdg**, Neighborhood Conservation District Enabling Ordinance. **5/7**  
R5B **1<sup>st</sup> Rdg**, West Avenue Overlay - Minimum/Maximum Developable Lot Regulations. **5/7**
- R7A **Joint**, Award Service Agreement, City Center Right of Way Improvement Project.  
R7B **Joint**, Execute Amendment to Agmt, Provide Program Management Services for Facilities/Parks.  
R7C **Joint**, Execute Amendment to Agmt, Upgrade of Sewer & Water Pumping Stations.  
R7D **10:15 a.m. Open/Cont.** Approve Vacation of Property on 5860 North Bay Road (Schindler).  
R7E **10:15 a.m. Open/Cont.** Approve Vacation of Property on 5900 North Bay Road (Harris).  
R7F **10:20 a.m. Open/Cont.** Approve Vacation of Property on 5480 North Bay Road (Donnelly).  
R7G **10:30 a.m.** Approve Development Agmt w/ New World Symphony, Project Concept Plan Alt.  
R7H Execute Concession Agreement, Antique & Collectibles Market in Lincoln Road.
- R9A Board and Committee Appointments.  
R9A1 Nominate Marcelo Llorento to the Personnel Board. (Cruz)  
R9A2 Nominate Alex DeGasperi to the Personnel Board. (Gross)  
R9A3 Re-Appoint Nancy Liebman to the Cultural Arts Council. (Gross)  
R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9C Disc. South Pointe Park Request for Qualification (RFQ).  
R9D **10:30 a.m.** Referral to the Planning Board - Amend LDR and Create "Offsite Parking" Section.  
R9E **10:05 a.m.** Disc. /Presentation re: Performing Arts Center Trust Project. (Bower)

### **REPORTS AND INFORMATIONAL ITEMS**

- A City Attorney's Status Report.  
B Parking Status Report.  
C Status Report on Fire Station No. 2.  
D Status Report on Fire Station No. 4.  
E Informational Report on Federal, State, County and All Existing City Contracts.  
F Update on Hurricane Charley Relief Efforts in Southwest Florida.  
G Update on CMB Fire Department Accreditation from the CFAI.  
H Status Report on City Manager's August Recess Approvals of Contracts/Bids/Agmts, etc.

### **REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**

- 2A Report of Itemized Revenues/Expenditures of RDA for July 2004.  
3A **Joint**, Award Service Agreement, City Center Right of Way Improvement Project.  
3B **Joint**, Execute Amendment to Agmt, Provide Additional Inspection Services for Colony Theater.  
3C **Joint**, Execute Amendment to Agmt, Upgrade of Sewer & Water Pumping Stations.  
3D Appropriate South Pointe Trust Fund Revenues, Remitted to Children's Trust.  
3E Appropriate South Pointe Trust Fund Revenues, Remitted to Miami-Dade County.  
3F Appropriate South Pointe Trust Fund Revenues, Remitted to City of Miami Beach.  
3G Appropriate Tax Increment Funds, Complete Lighting & Fountains Project on Lincoln Road.

Meeting called to order at 9:21:43 a.m.

Invocation given by Dr. Annette Jones from St. John's Methodist church.

Pledge of Allegiance led by Fire Chief Jordan.

**Times based on the digital recording in the City Clerk's Office**

**New Item.**

Mayor Dermer stated that the City of Miami Beach was very lucky that Hurricane Frances caused only minimal property damage. The City of Miami Beach is thankful today. He stated that he had the opportunity to be with the City Manager and other City personnel during the storm. He commended Jorge Gonzalez, City Manager, for his outstanding job, and also thanked the department directors and assistant directors, and further added that all City employees were outstanding. The clean up effort went very quickly. He stated that this was an excellent opportunity to test the emergency services and planning of the City and the test was passed with flying colors. He asked Jorge Gonzalez, City Manager, to speak about the City's efforts regarding Hurricane Frances and about the approaching storm, Hurricane Ivan.

Jorge Gonzalez, City Manager, speaking about Hurricane Charlie, which hit the west coast of Florida, thanked the Police, Fire and the Building Departments, who sent resources to the west coast to help out. He also talked about Hurricane Frances and the preparations which took place. He stated that Miami Beach was spared the brunt of the hurricane and the bulk of the damage was primarily debris removal. His first priority was to make sure the streets were clean, and explained that the City would be continuing debris removal services throughout the week. He asked the residents to get their debris out to the streets as quickly as possible and emphasized that this is not the time to do tree pruning due to Hurricane Ivan's threat. He announced that all City buildings are open for business but will remain boarded. The Administration will continue to monitor Hurricane Ivan and the same measurements implemented last week for Hurricane Frances will be implemented for Hurricane Ivan, if necessary. He thanked the Mayor and Commissioners for their presence on Saturday.

Mayor Dermer stated that the Police and Fire Departments did an outstanding job as well as the residents who boarded up and cooperated with the preparations.

Commissioner Bower stated there were a couple of City buildings in South Beach that were not protected. She requested the Administration to look into it.

Jorge Gonzalez, City Manager, responded that this has already been taken care of.

**Addendum item: R9E**

**ACTION:** Motion made by Commissioner Bower to add Addendum item R9E as an emergency item to the Commission Agenda; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz.

**PA - Presentations and Awards**

PA1 Key To The City And Certificate Of Appreciation To Be Presented To David Wallack For Donating \$5,500 Dollars To Purchase A New Miami Beach Police K-9 Dog.  
(Police Department)  
(Deferred from July 28, 2004)

**ACTION:** Item deferred.

**9:39:32 a.m.**

PA2 Proclamation Declaring September 15 To October 15, 2004, Hispanic Heritage Month In The City Of Miami Beach.

(City Manager's Office)

**ACTION:** Proclamation presented.

Mayor Dermer stated that the cultural diversity in Miami Beach has made this City a great mosaic that makes every one proud.

Jorge Gonzalez, City Manager, stated that the group does a great job celebrating Hispanic Heritage and honoring individuals in the community who contribute in this area.

Jeanette Egozi, Hispanic Affairs Committee, spoke.

Liliam Lopez, South Florida Hispanic Chamber of Commerce, spoke.

Barbara Hawayek, Neighborhood Services Department and member of the City's Hispanic Heritage Planning Committee, spoke.

Liliam Hatfield, City Clerk's Office, and member of the City's Hispanic Heritage Planning Committee spoke.

Mayor Dermer congratulated Liliam Hatfield on the work she has done with the historical photographs of Miami Beach.

PA3 Presentation Of The FPL Energy Efficiency Upgrade Rebate To City Of Miami Beach.  
(Convention Center)

**ACTION:** Item deferred.

**9:34:01 a.m.**

PA4 Certificate Of Appreciation To Be Presented To The Miami Beach Fire Department For Receiving Full Accreditation From The Commission On Fire Accreditation International.  
(City Manager's Office)

**ACTION:** Certificate presented.

Mayor Dermer congratulated the Fire Department on achieving the honor of receiving international accreditation.

Chief Jordan stated that this is a City of Miami Beach team success. He added that the department has received support from this Commission and tremendous support from the City Manager, as well as the Fire Department Management Team. He gave special recognition to Christopher Parrino, Fire Division Chief, who coordinated the effort and without him it could not have been done.

Jorge Gonzalez, City Manager, stated that he gave the departments the challenge to seek out the best practices, the models of the industry, and bring them to the City of Miami Beach so Miami Beach becomes a model. The Fire Department found the Commission on Fire Accreditation International. It has been a team effort including the Fire Department command staff, and the rank and file, including the fire union. He stated that this accreditation takes a number of years and the outcome is two fold:

1) it brings the organization together; and 2) the recognition which sets the department apart. The City of Miami Beach Fire Department is one of nine departments in the state of Florida and one of 102 departments' worldwide that have been accredited. He stated that the Miami Beach Fire Department is one of the leaders and one of the best in the fire service. He stated that the primary purpose of local government is to provide for public safety and public works. In the last 30-days the City of Miami Beach has been challenged in these areas and has passed with flying colors. He congratulated the department for achieving this accreditation.

**9:45:45 a.m.**

PA5 Certificates Of Appreciation To Be Presented To Miami Beach Police Chief Don De Lucca, Assistant Police Chief Pat Schneider, And Key Biscayne Police Chief Chuck Press, For Their Assistance In Mayor's Black Host Committee Hip Hop Symposium.

(Requested by Mayor David Dermer)

**ACTION:** Certificates presented.

Mayor Dermer stated that the Police Department did an outstanding job during the Mayor's Black Host Committee Hip Hop Symposium.

Henry Crespo, member of the Mayor's Black Host Committee, spoke.

Chief De Lucca stated that the credit goes to the men and women in the department. He thanked Assistant Chief Schneider and Chief Press for a great job.

### **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote; 5-0; Absent: Commissioners Cruz and Garcia.

### **C2 - Competitive Bid Reports**

C2A Request For Approval To Purchase One (1) 2005 Sterling LT7500 Truck Chassis With A 12 Cubic Yard Dump Body, From Atlantic Truck Center, Pursuant To Florida State Contract No. 03-11-0825, In The Amount Of \$81,622. .

(Fleet Management)

**ACTION:** Award authorized. Drew Terpak to handle. Gus Lopez to issue Purchase Order.

C2B Request For Approval To Award Contracts To Austin Tupler Trucking And Rinker Materials As Primary And Secondary Vendors As Stated Herein, Pursuant To Invitation To Bid No. 30-03/04, For The Supply And Delivery Of Rock, Soil And Sand, In The Estimated Annual Amount Of \$100,000.

(Public Works)

**ACTION:** Award authorized. Fred Beckmann to handle.

- C2C Request For Approval To Award Contracts To Superior Landscaping & Lawn Service As Primary Vendor For All Locations, And To Country Bills Lawn Maintenance, Luke's Landscaping And Everglades Environmental Care As Secondary Vendors Based On The Lowest And Best Bid Received For Each Location, Pursuant To Invitation To Bid No. 31-03/04, For A Three Year Contract To Provide Grounds Maintenance Services, In The Estimated Annual Amount Of \$433,159.  
(Parks & Recreation)

**ACTION:** Award authorized. Kevin Smith to handle.

- C2D Request For Approval To Award A Contract To International Data Depository (IDD), Pursuant To Invitation To Bid No. 5-03/04, For Records Management And Services, In The Estimated Annual Amount Of \$37,925.40, And Closing Account Fee In The Amount Of \$11,000 Upon Termination Of Contract.  
(Procurement)

**ACTION:** Award authorized. Gus Lopez to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Planning Board - Amendment To City Code Concerning The Procedures For Appeals To The City Commission From The Design Review Board.  
(Requested by Commissioner Jose Smith)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

- C4B Referral To The Finance And Citywide Projects Committee Regarding The Proposed A.I. Boymelgreen Project At Fifth Street And Alton Road.  
(Economic Development)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Christina Cuervo to handle.

- C4C Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Possible Application Of A National Register Of Historic Places District In North Beach.  
(Planning Department)

**ACTION:** Item separated by the Administration. **Referral changed to a joint meeting of the Neighborhood/Community Affairs Committee and the Land Use and Development Committee.** Approved via Consent Agenda. Vivian Guzman and Jorge Gomez to coordinate the meeting. Jorge Gomez to handle.

- C4D Referral To The Neighborhood/Community Affairs Committee - An Ordinance Regulating The Swales.  
(City Manager's Office)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda.

**C6 - Commission Committee Reports**

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of July 22, 2004: **1)** Discussion Of The FY 2004/05 Budget.

**ACTION:****Item 1.**

The Committee moved the item to the July 28, 2004 Commission Meeting.

- C6B Report Of The Neighborhood/Community Affairs Committee Meeting Of July 26, 2004: **1)** Discussion Regarding City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date; **2)** Discussion Regarding The Rebranding Efforts For The Electrowave; **3)** Discussion Regarding The Placement Of A Commemorative Plaque In The Victory Garden, Honoring The Late Joseph Villari; And **4)** Discussion Regarding Sarmiento Outdoor Advertising.

**ACTION:****Item 1.**

The item was deferred to the next Neighborhood/Community Affairs Committee Meeting.

**Item 2.**

There was no action taken on this item as it was only an information session prior to its presentation at the next meeting of the full Commission.

**Item 3.**

The Committee moved to accept the wording of the plaque as amended. See C7H.

**Item 4.**

The Committee moved that this project, as it is presented, cannot proceed. When there is a "Call to Artists" in the future, Mr. Steinbacher may certainly submit his work.

- C6C Report Of The Finance And Citywide Projects Committee Meeting Of August 18, 2004: **1)** Discussion Regarding The Proposed Issuance Of City Of Miami Beach Water And Sewer System Revenue And Refunding Bonds Series 2004A And 2004B; **2)** Discussion Regarding A Proposed Revision To The Sidewalk Café Ordinance; **3)** Discussion Regarding The Implementation Of A Trust Fund In Order To Help The Family In Financial Distress Of Late Co-Worker Joseph Johnson; **4)** Discussion Regarding The Jackie Gleason Theater Senior Citizen And Student Community Benefit Fund; And **5)** Discussion On Policy Guidelines Concerning The Vacation Of City Owned Property.

**ACTION:****Item 1.**

The Committee moved the item to the full Commission, recommending approval of the proposed issuance of City of Miami Beach Water and Sewer System Revenue and Refunding Bonds Series 2004A and 2004B.

**Item 2.**

The Committee referred the item to the Neighborhood/Community Affairs Committee. **Vivian Guzman to place on the agenda. Robert Middaugh to handle.**

**Item 3.**

Item deferred.

**Item 4.**

The Committee directed the Administration and CCAB to proceed with developing a mechanism on how to deal with the two issues and come back to the Finance and Citywide Projects Committee in six months with a recommendation. **Doug Tober to handle.**

The Committee further instructed the Administration to conduct a show by show analysis of subsidized tickets sold and of show sellouts. **Doug Tober to handle.**

The Committee also instructed the Administration to ask purchasers of subsidized tickets whether or not they meet the criteria for the tickets they are purchasing. **Doug Tober to handle.**

**Item 5.**

The Committee recommended that in order to qualify for the granting of a vacation, an applicant must meet the criteria established for the Revocable Permit and prove that there is an extraordinary public benefit to be gained by such vacation.

The Committee recommended a policy that no property should be vacated unless an extraordinary public benefit is to be gained.

**C7 - Resolutions**

- C7A A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 08-03/04, For Engineering, Urban Design, And Landscape Architecture Services Needed For The Planning, Design, Bid And Award, And Construction Administration Of Phases III, IV, And V Of The South Pointe Streetscape Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Chen And Associates; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Wolfberg Alvarez And Partners; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Keith And Schnars, P.A.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2004-25664 adopted.** Tim Hemstreet to handle.



- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Agreement Between The City And Arthur Hills And Associates Dated October 8, 1997, In An Amount Not-To-Exceed \$192,624 For The Provision Of Additional Professional Services, Necessary For The Renovation Of The Normandy Shore Golf Course Project; And Further Appropriating The Same Amount From The Series 2000 Stormwater Bond Interest Fund.  
(Capital Improvement Project)

**ACTION: Resolution No. 2004-25665 adopted.** Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

- C7C A Resolution ~~Finding And Declaring The Existence Of A Valid Public Emergency;~~ And Approving A Waiver, By 5/7ths Vote, Of The Competitive Bidding Process; Authorizing Participation In The State Of Florida's "Sales Tax Recovery Program" As Offered By The Department Of Management Services (DMS) Through Its Construction Manager, McCartney Construction, Inc., In Conjunction With The Colony Theater Construction Project; Awarding Agreements To The Following Vendors, To Provide Goods And Services For The Completion Of The Colony Theater Project: Miami Stagecraft, In The Amount Of \$176,579; Mavco, In The Amount Of \$87,651; Farrey's Hardware, In The Amount Of \$33,364; Federal Millwork, In The Amount Of \$43,492; Irwin Seating, In The Amount Of \$120,542; And Interamerica Stage, In The Amount Of \$216,183.  
(Capital Improvement Project)

**ACTION:** Item separated by the Administration. **Resolution No. 2004-25666 adopted as amended (delete the "finding and declaring the existence of a valid public emergency and" language). Approved via Consent Agenda vote.** Tim Hemstreet to handle.

- C7D A Resolution Appropriating Funds, In The Amount Of \$240,000 From The Series 2000 Water And Sewer Bond Interest Funds For Use As A Contingency For The Previously Approved 25<sup>th</sup> Street Water Tanks And Pumping Station Project.  
(Capital Improvement Project)

**ACTION: Resolution No. 2004-25667 adopted.** Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

**9:53:18 a.m.**

- C7E A Resolution Authorizing The Issuance Of Request For Qualifications (RFQ) No. 42-03/04 For Engineering, Urban Design, And Landscape Architecture For Design, Bid And Award, And Construction Administration Services For The Biscayne Point Right Of Way Infrastructure Improvement Project.  
(Capital Improvement Project)

**ACTION: Item separated for discussion by Commissioner Smith. Item deferred to the October 13, 2004 meeting to receive information on the contract negotiations.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on the Commission Agenda. Tim Hemstreet to handle.

Commissioner Smith asked the following questions: 1) Why did it take a year to decide that we could not negotiate a successful contract with the Corradino Group? and 2) Why is the Administration showing \$3.2 million dollars for streetscape improvements when the neighborhood was promised something in excess of \$4 millions?

Ted Berman spoke.

Jorge Gonzalez, City Manager, responding to Commissioner Garcia's statement regarding the groundbreaking for Fire Stations 4, stated that the celebratory element of the groundbreaking is being postponed due to the hurricane threats. The Administration intends to proceed with the construction work as soon as it can be released. Relating to where the firefighters were located during the hurricane event, as soon as the hurricane reaches a particular level, the personnel in Fire Station 4 does not remain in the trailers. In fact, for a portion of time, Fire Station 4 personnel were temporarily located to a safer location. Regarding Mr. Berman's comments, he explained that the City Commission prioritized and sequenced the number of projects that the City is undertaking. He stated that the planning for the neighborhood has taken place. The Administration does not anticipate bidding until 2007 and that date has not changed significantly from the time the project was sequenced.

Tim Hemstreet, Capital Improvement Director, stated that the answer to the first question is an issue of timing; construction is projected to begin in 2007. For that reason the construction documents should be finished closer to the projected construction date. Secondly, the original contract with the Corradino Group covered the planning process only. There was not a contract with Corradino that covered planning, design and construction administration.

When the contract was negotiated the consultant told the Administration that the scope of the work was too vague for them to be able to price the design effort and the construction administration effort until a basis-for-design report (BODR) was finalized. Because Corradino Group did the initial planning effort the Administration wanted to stay with them, if possible, and get a marketable rate. The fee received from the Corradino Group is about 14.3% of construction which is above the City's parameters for a design fee for a project this size and duration.

Commissioner Smith stated that he does not have any of the information on the status of the negotiations and requested the same type of information which was provided for CH2M Hill. Tim Hemstreet to handle.

Regarding the issue of the allocation of money, Tim Hemstreet stated that the total funding from the G. O. Bond was \$4.1 million for the neighborhood. Out of the total funding the soft costs include design fees for the architect, permitting fees and setting aside a 10% construction contingency.

Commissioner Gross, to clarify the record, stated that this neighborhood includes not just Biscayne Point but also includes Stillwater Drive and Biscayne Beach.

Commission Bower stated that she has been told that the canals in this area are the responsibility of the City to maintain just like the streets. Is this so? If this is true, the next time the City undertakes funding to improve an area which has waterways, they should be included in the funding request.  
**Fred Beckmann to address the issues of the City's responsibility to maintain the canals.**

C7F A Resolution Authorizing The Issuance Of Request For Qualifications (RFQ) No. 41-03/04 For Engineering, Urban Design, And Landscape Architecture For Design, Bid And Award, And Construction Administration Services For The North Shore Right Of Way Infrastructure Improvement Project.

(Capital Improvement Project)

**ACTION: Resolution No. 2004-25668 adopted.** Tim Hemstreet to handle.

- C7G A Resolution Authorizing The City Manager, Chief Of Police And City Clerk To Execute A Mutual Aid Agreement With The City Of Coral Gables, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The City Of Coral Gables.

(Police Department)

**ACTION: Resolution No. 2004-25669 adopted.** Chief De Lucca to handle.

- C7H A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Regarding The Placement Of A Commemorative Plaque In The Victory Garden, Honoring The Late Joseph J. Villari; And Setting A Public Hearing To Consider The Placement Of Said Plaque, In Accordance With Section 82-504 Of The City Code.

(Economic Development)

**ACTION: Resolution No. 2004-25670 adopted.** Public Hearing scheduled for October 13, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

- C7I A Resolution Setting A Public Hearing For October 13, 2004, On The Proposed Uses Of The Local Law Enforcement Block Grant Funds; Further Granting Retroactive Approval For The City Manager Or His Designee To Submit A Grant Application For Said Grant; While Leveraging Appropriated City Funds As Needed; While, Appropriating The Grant As Approved And Accepted By The City And Authorizing The Mayor, City Manager, And City Clerk To Execute All Necessary Documents Related To This Application.

(Grants Management)

**ACTION: Resolution No. 2004-25671 adopted.** Public Hearing scheduled for October 13, 2004. Patricia Walker to appropriate the funds if approved and accepted by the City. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Judy Hoanshelt to handle.

- C7J A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Submit A Grant Application To Miami-Dade County Office Of Safe Neighborhood Parks For Specified/Per Capita Series 2005 Funding, In The Amount Of \$28,710, From The Remaining Allocation Available To The City Of Miami Beach For The North Shore Open Space Park Project.

(Grants Management)

**ACTION: Resolution No. 2004-25672 adopted.** Patricia Walker to appropriate the funds if approved and accepted by the City. Judy Hoanshelt to handle.

- C7K A Resolution Retroactively Approving And Authorizing The Placement Of Ten (10) Banners For The MTV Video Music Awards Show, To Be Held Sunday, August 29, 2004, At The American Airlines Arena, In The City Of Miami, As Requested By The Applicant, AAA Flag And Banner, At The Following City Of Miami Beach Locations: Seven (7) Collins Avenue From 15 To 19 Streets; Three (3) Washington Avenue From 12 To 13 Streets; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; And To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than Saturday, August 14, 2004 And Removed No Later Than Sunday, August 29, 2004.  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2004-25673 adopted.**

- C7L A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements And Authorizing The Administration To Issue Purchase Orders To Royce Parking Control Systems, Inc., The Sole Source Distributor Of Federal A.P.D. Parking Equipment In The Amount Of \$37,163.17.  
(Parking Department)

**ACTION: Resolution No. 2004-25674 adopted.** Gus Lopez to issue Purchase Orders. Saul Frances to handle.

**10:17:33 a.m.**

- C7M A Resolution Authorizing The City Manager To Execute With The Florida Department Of Transportation (FDOT), A Public Purpose Lease Agreement For Redevelopment, Revitalization And Beautification Of The North Shore Community Improvement District On Collins Avenue From 63rd Street (Alton Road) To 75th Street And On Normandy Drive From Collins Avenue To Rue Notre Dame.  
(Public Works)

**ACTION: Item separated for discussion by the Administration. Resolution No. 2004-25675 adopted via the Consent Agenda.** Fred Beckmann to handle.

Jorge Gonzalez, City Manager, explained the issue of sidewalk cafés in the North Beach community and the concern that the cafés were being forced to close down or remove the sidewalk café element of the businesses because of FDOT and the right-of-way concerns that FDOT presented. The Commission directed the Administration to work out a solution with FDOT. The Administration has accomplished this request. This item recommends approving an agreement with FDOT that gives the City the opportunity to manage the right-of-way including the liability and maintenance associated with the properties. It was determined that about ten years ago the City was given the authorization but this agreement formalizes the action taken ten years ago. The City will be issuing permits for sidewalk cafés and the Commission needs to decide whether to charge them or not.

Commissioner Gross asked that those businesses which inquired about opening a café be contacted and to let them know that the City now controls the right-of-way. **Fred Beckmann to handle.**

**10:21:30 a.m.**

**New Item**

Mayor Dermer commended Commissioner Bower regarding a grant of approximately \$900,000 that had lapsed for the Housing Authority. Commissioner Bower introduced an appeal, and fortunately the appeal was successful.

Commissioner Bower thanked Jorge Gonzalez, City Manager, Miguel Del Campillo, Housing Community / Economic Development Division Director and City staff who assisted in regaining the grant funds for the Housing Authority.

- C7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 26-03/04, For Building Inspection Services To Develop An Immediate Needs Assessment And A Five Year Plan For Capital Repair, And Replacement Requirements And An Annual Maintenance Requirement Plan; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Post Buckley Schuh And Jernigan (PBS&J); And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of MC Harry Associates.

(Public Works)

**ACTION: Resolution No. 2004-25676 adopted.** Fred Beckmann to handle.

- C7O A Resolution Authorizing The Administration To Issue A Request For Proposals (RFP) For Claim Administration Services For The City Of Miami Beach Self-Insured Workers' Compensation Program.  
(Risk Management)

**ACTION: Resolution No. 2004-25677 adopted; Scope of Services amended: (Section II, A. 12. Pursue all possibilities of subrogation, liens and recovery from the Special Disability Fund or other responsible 3<sup>rd</sup> parties). Cliff Leonard to handle.**

**End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****6:11:54 p.m.**

- R5A Neighborhood Conservation District Enabling Ordinance  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," By Adopting Article XI, "Neighborhood Conservation Districts," Establish Procedures And Criteria For The Creation Of Neighborhood Conservation Districts; Providing For An Intent Statement, Qualification Criteria, And Procedures For Creating And Modifying Such Districts; Providing For Codification; Repealer; Severability; And An Effective Date. **5:30 p.m. Second Reading, Public Hearing.**  
(Planning Department)  
(Continued from July 28, 2004)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3457 adopted as amended and the issue of zoning-in-progress referred to the Planning Board.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 6-1; Opposed: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Barry Klein, North Beach Development Corporation, spoke.

**Amendment by Commissioner Gross:**

1. 118-705(b)(1) ".... The City Commission shall ~~may~~ hold ....."
2. 118-705(b)(2) ~~"If a preliminary public hearing is scheduled a~~ Notification of the preliminary public hearing....."

**Amendment by Commissioner Smith:**

118-705(e) ".... of these Land Development Regulations including Planning Board review except that regardless ..."

**Handout or Reference Materials:**

1. Notice of Ad in The Miami Herald
2. Color copy titled: Procedures for Adoption of a Neighborhood Conservation District

**5:28:53 p.m.**

- R5B West Avenue Overlay - Minimum/Maximum Developable Lot Regulations  
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Division 5, "West Avenue Bay Front Overlay," Section 142-842, "Location And Purpose," And Section 142-843, "Compliance With Regulations," To Include Minimum And Maximum Developable Lot Regulations Within The Underlying RM-1 Residential Multi-Family Low Intensity Zoning District Of The Subject Overlay Area Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.**  
(Planning Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 13, 2004 at 5:00 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

**Handout or Reference Materials**

1. Color copies of maps (West Avenue Bayfront Overlay, Parcel Ownership Analysis, Lot width/depth Analysis, Recent infill redevelopment Projects 2004, and Minimum/maximum developable lot scenarios

May 2004

## **R7 – Resolutions**

**10:37:38 a.m.**

- R7A A Resolution Awarding A Professional Services Agreement With Chen And Associates In The Not To Exceed Amount Of \$2,144,773 To Provide Urban Design, Architecture, Landscape Architecture, Engineering, And Construction Administration Services Necessary To Complete The Planning, Design, And Construction Of The City Center Right Of Way Improvement Project. **Joint City Commission and Redevelopment Agency**.  
(Capital Improvement Projects)

**ACTION: Item heard in conjunction with Item RDA-3A. Resolution No. 2004-25678 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Tim Hemstreet to handle.

See item RDA 3A.

**12:44:18 p.m.**

- R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Agreement Between The City Of Miami Beach And URS Corporation-Southern, Dated June 27, 2001 To Provide Program Management Services For Facilities And Parks Pursuant To Request For Qualifications (RFQ) No. 111-99/00. **Joint City Commission and Redevelopment Agency**.  
(Capital Improvement Projects)

**ACTION: Item heard in conjunction with Item RDA-3B. Resolution No. 2004-25679 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Tim Hemstreet to handle.

See item RDA item 3B.

**12:49:53 p.m.**

- R7C A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 16 In The Amount Of \$223,941, To An Existing Agreement Between The City Of Miami Beach And Camp, Dresser & McKee, Inc. (CDM), Dated July 21, 1992, For Professional Engineering Services For The Upgrade Of Sewer & Water Pumping Stations And New Pumping Station On MacArthur Causeway, To Provide Additional Architectural, Engineering And Landscape Architectural Services To Re-Design The South Pointe Wastewater Booster Pump Station Project. **Joint City Commission and Redevelopment Agency**.  
(Capital Improvement Project)

**ACTION: Item heard in conjunction with Item RDA-3C. Resolution No. 2004-25680 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Commissioners Bower and Cruz. Tim Hemstreet to handle.

See item RDA item 3C.

R7D A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of Roger J. Schindler And Leslie Schindler, Owners Of The Adjacent Property Located At 5860 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing**

(Public Works)

**ACTION:** Public Hearing opened and continued to October 13, 2004 at 10:15 a.m. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

R7E A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Northern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of William Thomas Harris III And Richard Koenigsberg, As Trustees (The "Tom Harris Trust"), Owners Of The Adjacent Property Located At 5900 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing**

(Public Works)

**ACTION:** Public Hearing opened and continued to October 13, 2004 at 10:15 a.m. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald



R7F A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 56th Street Street-End, West Of North Bay Road, In Favor Of Mary Elizabeth Donnelly, Owner Of The Adjacent Property Located At 5480 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:20 a.m. Public Hearing.**

(Public Works)

**ACTION:** Public Hearing opened and continued to October 13, 2004 at 10:15 a.m. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Letter to Mayor Dermer and City Commissioners from Stephen Montifiore and Victoria DiNardo Montifiore, dated August 31, 2004, RE: Deny this request
3. Letter to Mayor Dermer and City Commissioners from Robert C. Barrett, dated August 31, 2004, RE: September 8, 2004 Public Hearing regarding West 56<sup>th</sup> Street-End

**11:19:25 a.m.**

R7G A Resolution Approving, In Accordance With The Provisions Set Forth In Section 2.2 Of The Development Agreement Between The New World Symphony And The City Of Miami Beach, Florida, Dated January 15, 2004, Project Concept Plan Alternative Number Four.  
(City Manager's Office)

**ACTION: Resolution No. 2004-25681 adopted to adopt the Concept Plan as presented .** Motion made by Commissioner Bower to: 1) Adopt the Concept Plan #4; 2) Refer the issue of the park design to the Finance and Citywide Projects Committee; 3) Request the Design Review Board to do a preliminary design review and send to City Commission for review and approval; and 4) Address the parking space issue; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to place on the Committee agenda. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, introduced the item.

Christina Cuervo, Assistant City Manager, read the Planning Board's recommendation into the record.

Commissioner Bower stated her concern with the height and FAR issues, and further stated that she does not want anyone to think that just because this is being referred, that the City Commission is supporting these issues.

Howard Herring, President of the New World Symphony (NWS), spoke.

Craig Webb, Architect with Gehry and Associates, gave a presentation.

Neisen Kasdin, New World Symphony Board Member, spoke.

David Kelsey spoke.

Carter McDowell, Esq., representing PLC Investments and the Cejas family, spoke.

Commissioner Gross requested several different site plans with and without the extra parking spaces. He also requested to verify the statement made by Carter McDowell regarding the extra parking in the Cejas building. **Jorge Gomez to handle.**

Handout or Reference Materials

1. Color booklet titled New World Symphony Soundspace Project Concept Plan August 24, 2004

R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And Productions Sud, Inc., For The Management And Operation Of An Antique And Collectibles Market In That Portion Of The Lincoln Road Public Right-Of-Way, Between Washington Avenue And Pennsylvania Avenue, And In That Portion Of The Drexel Avenue Right-Of-Way, Between Lincoln Lane South And Lincoln Lane North; Said Agreement Having An Initial Term Of One (1) Year, Commencing On October 1, 2004, And Expiring On September 30, 2005, With An Option To Renew, At The City's Sole Discretion, For An Additional One Year Term, Subject To The Terms Provided In The Agreement.  
(Economic Development)

**ACTION:** Public Hearing held. **Resolution No. 2004-25682 adopted. Agreement amended (Section 4.2).** Motion made by Commissioner Bower; seconded by Commissioners Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Joe Damien to handle.

Handout or Reference Materials

1. Document titled 4.2 Percentage of Gross (PG) vs Minimum guarantee (MG)

**R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:**

**Community Development Advisory Board:**

Alexander Annunziato	Term expires 12/31/04	Appointed by Mayor Dermer TL 12/11
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**Miami Beach Commission on Status of Women:**

Debbie Leibowitz.....	Term expires 12/31/04	Appointed by Commission Gross TL 12/11
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R9A1 Nominate Mr. Marcelo Llorente To The Personnel Board.  
(Requested by Commissioner Simon Cruz)  
(Deferred from July 28, 2004)

**ACTION:** Item deferred to the September 9, 2004 Special City Commission Meeting.

R9A2 Nominate Mr. Alex DeGasperi To The Personnel Board.  
(Requested by Commissioner Saul Gross)  
(Deferred from July 28, 2004)

**ACTION:** Item deferred to the September 9, 2004 Special City Commission Meeting.

**1:11:38 p.m.**

R9A3 Re-Appointment Of Nancy Liebman To The Cultural Arts Council.  
(Requested by Commissioner Saul Gross)

**ACTION:** Motion made by Commissioner Gross to reappoint Nancy Liebman to the Cultural Arts Council for a term expiring on December 31, 2004; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to handle.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**ACTION:**

**Joe Fontana** thanked everyone on behalf of the North Shore Youth Center Oversight Committee for their support and requested that the committee be extended for 60 days as of today. The committee members would like to continue overseeing the construction pending at the facility and complete the work that they have to do.

**Motion made by Commissioner Bower to add this item as an emergency item to the Commission Agenda; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz.**

**Motion made by Commissioner Bower to extend the committee for 60 days from today; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz.**

**David Kelsey** requested for the City Commission to extend the due date for licenses and permits for 90 days (the same way it was done during 911) due to the loss of revenues during the Labor Day Weekend due to Hurricane Frances.

Mayor Dermer stated that 911 was a unique situation when the due date for payment was extended for 90 days.

Commissioner Smith stated that this sets a bad precedent.

**David Kelsey** requested that the City Commission take no action on a new contract with the Greater Miami Convention & Visitor's Bureau and also asked that a Workshop be scheduled to meet with the business community regarding marketing ideas.

**5:24:00 p.m.**

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:**

**Carlos Gonzalez** stated that he was arrested two years ago, before Thanksgiving, at City Hall. He requested the City of Miami Beach feed his homeless friends on Thanksgiving. He stated that this would be great publicity. He stated he was arrested for threatening to bomb City Hall and stayed 21 days in jail for trespassing at City Hall.

**11:01:58 a.m.**R9C Discussion Regarding South Pointe Park Request For Qualification (RFQ).  
(City Manager's Office)

**ACTION:** Discussion held. **Item referred.** Motion by Commissioner Smith to refer this item to the Finance and Citywide Projects Committee and place on the September 28 Commission Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to place on the Committee agenda. Christina Cuervo to handle. Lilia Cardillo to place on the Commission Agenda.

Jorge Gonzalez, City Manager, stated that as part of the settlement regarding the Alaska Parcel, one of the negotiated elements is the ability to have the developer build-out, at cost, and the City will pay, certain elements in South Pointe Park. He stated that there are RDA funds associated with the park funding along with the \$5 million included on the Miami-Dade County G.O. Bond for the Parks question which is on the November 2, 2004 ballot. Separate from the settlement, the developer has offered and an idea has been negotiated, where the developer would fund the planning element of the design of the park at their cost, and further continue to engage an architect to take planning into construction drawings and construction administration, at cost; and the City will bear the expenses which will generate savings to the City on the planning side. They are willing to hire the architect the City chooses, but this will forego the competitive process and the time associated to get park planning and design started much sooner. Given the time frame associated with the Settlement Agreement the City needs to let the developer know within 12-months what will be built out in the park. This became an opportunity to shorten the time schedule and save two to three percent of the construction project.

Addressing Mayor Dermer's concern about the process, Jorge Gonzalez, City Manager, stated that the same process will be followed as it has been done for any other neighborhood; there will be community design workshops as usual and the design report will come to the City Commission for approval. He explained that there could be an internal process to decide on the architect.

Commissioner Bower stated that she wants the process to be a fair and open. She requested to be informed of whatever process is used.

Jorge Gonzalez, City Manager, stated that the City has an opportunity to speed up the process and save money. He will keep the Commission informed via LTC. **Christina Cuervo to handle.**

Commissioner Smith reiterated what he believes the Administration is recommending and stated that the City is forgoing the standard RFP process and substituting in its place a more efficient process to select someone that the City will retain but will be paid by developer.

Jorge Gonzalez, City Manager, stated that the Administration would not retain the consultant; the developer will, and the City will reimburse the developer for the construction document development

which is later in the process. The community design workshops, CDW, and Basis of Design Report (BODR) will be at the cost of the developer. The developer has indicated he will hire whomever the City wants him to hire. If the Commission is interested in this concept, the question is, how does the City select the consultant.

Mayor Dermer stated that the offer is appreciated and it is an interesting idea but it should be discussed at the Finance and Citywide Projects Committee.

Tom Daly, The Related Group (Developer), spoke.

Commissioner Smith stated that it is important to get the residents which will be affected by this to come to the Finance and Citywide Projects Committee meeting.

**12:43:20 p.m.**

R9D Referral To The Planning Board A Proposal To Amend An Chapter 142, "Land Development Regulations," Of The City Code; Division 7. "CCC, Civic And Convention Center District," By Creating A New Section 142-368 Entitled "Offsite Parking," Providing That Required Parking Provided For Uses In This District, Located Off-Site Pursuant To Section 130-36, Shall Not Be Included In Permitted Floor Area Wherever Located.

(City Manager's Office)

**ACTION: Item referred.** Discussion held. Motion made by Commissioner Bower to refer the item to the Planning Board; seconded by Commissioner Smith; Voice-vote: 6-0; Absent Commissioner Cruz. Jorge Gomez to place on committee agenda. Saul Frances and Jorge Gomez to handle.

**10:22:45 a.m.**

**Addendum:**

R9E Discussion And Presentation Regarding The Performing Arts Center Trust Project.  
(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Written report submitted and an oral report given by Michael C. Hardy, President and CEO, Performing Arts Center of Greater Miami.

Commissioner Bower stated that she would like for Miami Beach and the Performing Arts Center to get to know each other, and be compatible with each other. She asked if this is happening and if the City of Miami Beach Cultural Arts Department is involved in any way. She stated that they both need to work together to enhance each other rather than compete with each other. **Christina Cuervo and Max Sklar to handle.**

Handout or reference materials:

1. Booklet title Miami Performing Arts Center, A Status Report to the Community – from The Performing Arts Center Trust and the Performing Arts Center Foundation – dated May 2004 (document is in both English and Spanish)

### Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

**ACTION: Written report submitted.**

- B      Parking Status Report.
- (Parking Department)

**ACTION:** Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.  
(Capital Improvement Projects)

**ACTION:** Written report submitted.

- D      Status Report On The Fire Station No. 4 Project.  
(Capital Improvement Projects)

**ACTION:** Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Procurement)

**ACTION:** Written report submitted.

- F Update On City Of Miami Beach Hurricane Charley Relief Efforts In Southwest Florida.  
(City Manager's Office)

**ACTION:** Written report submitted.

- G Update On City Of Miami Beach Fire Department Accreditation From The Commission On Fire Accreditation International (CFAI).  
(City Manager's Office)

**ACTION:** Written report submitted.

- H Status Report On The City Manager's August Recess Authority Pursuant To Resolution No. 2004-25653, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On July 28, 2004, Until The First Regularly Scheduled Commission Meeting On September 8, 2004, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 8, 2004.  
(Procurement)

**ACTION:** Written report submitted.

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
September 8, 2004**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of July 2004.

**ACTION: Written report submitted.**

**10:37:47 a.m.**

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying The Award Of A Professional Services Agreement To Chen And Associates In The Not To Exceed Amount Of \$2,144,773 To Provide Urban Design, Architecture, Landscape Architecture, Engineering, And Construction Administration Services Necessary To Complete The Planning, Design, And Construction Of The City Center Right Of Way Improvement Project And Appropriating \$2,144,773 For This Purpose From City Center RDA Funds.  
**Joint City Commission and Redevelopment Agency.**

**ACTION: Heard in conjunction with R7A. Resolution No. 483-2004 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Tim Hemstreet and Christina Cuervo to handle.

Tim Hemstreet, Capital Improvement Projects Director, introduced the item.

Commissioner Gross stated that the RFQ was issued on 9/10/2003 and it has taken this long to select and award a company. The City Administration needs to find a way to shorten this

process. The authorization by the City Commission was given on April 14, 2004 so it has taken five months to negotiate the contract.

Tim Hemstreet, Capital Improvement Projects Director, stated that he agrees that it does take a long time. The budget additions will not improve the negotiation and award process. Negotiations with consultants are governed by the Consultant Competitive Negotiations Act which has specific rules and criteria which must be followed. He explained the entire process.

Commissioner Gross suggested advising the Commission via LTC on RFQ rather than doing it on the Consent Agenda.

Jorge Gonzalez, City Manager, stated that if the Commission were to consider issuing RFQ's via LTC's he would limit it only to CIP type projects. The Administration feels comfortable with bringing RFQ to the City Commission.

Commissioner Smith stated that this particular consultant is also being awarded a separate contract for work in the South Pointe area. The contract is likely to be a very substantial contract. He noted that in the past there have been problems when one contractor has been awarded two significant contracts. How is this being addressed?

Tim Hemstreet, Capital Improvement Projects Director, stated that this is an issue typically addressed during the negotiation process.

Ben Chen, President of Chen and Associate, stated that he has made a commitment of his company resources to open an office in Miami Beach. In addition, one of his key personnel will be moving to Miami Beach. He is committing a significant amount of his personal time to the community.

**12:44:18 p.m.**

- B A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Appropriating Funds In An Amount Not To Exceed \$54,125 From City Center Redevelopment Area Tax Increment Funds To Execute An Amendment To The City's Agreement With URS Corporation-Southern For Program Management Services To Provide Additional Inspection Services For The Colony Theatre Construction Project. **Joint City Commission and Redevelopment Agency.**

**ACTION: Heard in conjunction with R7B. Resolution No. 477-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Tim Hemstreet and Christina Cuervo to handle.

Tim Hemstreet, Capital Improvement Projects Director, introduced the item.



**12:49:54 p.m.**

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying Amendment No. 16 To An Existing Agreement Between The City Of Miami Beach And Camp, Dresser & McKee, Inc. (CDM), Dated July 21, 1992, For Professional Engineering Services For The Upgrade Of Sewer & Water Pumping Stations And A New Pumping Station On Macarthur Causeway, To Provide Additional Architectural, Engineering And Landscape Architectural Services To Re-Design The South Pointe Wastewater Booster Pump Station Project; And Appropriating \$223,941, Available From The From South Pointe Redevelopment Area Tax Increment Funds. **Joint City Commission and Redevelopment Agency** .

**ACTION: Heard in conjunction with R7C. Resolution No. 478-2004 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Commissioners Bower and Cruz. Tim Hemstreet and Christina Cuervo to handle.

Jorge Chartrand, Assistant Director of CIP, introduced the item.

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$592,809 In South Pointe Trust Fund Revenues And \$572,876 In City Center Trust Fund Revenues, To Be Remitted To The Children's Trust, An Independent Special Taxing District, For The Purpose Of Establishing The Use Of Tax Increment Revenues To Be Derived From The Imposition Of A Not To Exceed One-Half (1/2) Mill Tax Levy By The Trust Against Real Property Located Within The South Pointe Redevelopment Area And The City Center/Historic Convention Village Redevelopment And Revitalization Area, Respectively, In Accordance With The Provisions Set Forth In The Interlocal Agreement, Dated August 16, 2004, By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA), Miami-Dade County, Florida And The Children's Trust; Said Appropriation To Be Utilized By The Children's Trust Solely For Programs And Services For Children And Families Within The City Of Miami Beach, As Set Forth In The Interlocal Agreement.

**ACTION: Resolution No. 479-2004 adopted.** Motion made by Commissioner Smith; seconded by Vice-Mayor Steinberg; Voice vote: 5-0; Absent: Commissioners Bower and Cruz. Christina Cuervo to handle.

Christina Cuervo, Assistant City Manager, introduced the item.

**12:59:52 p.m.**

- E A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$105,641 In South Pointe Trust Fund Revenues And \$99,055 In City Center Trust Fund Revenues, To Be Remitted To Miami-Dade County In Payment For Its Share Of The Administrative Fee For Fiscal Year Ending September 30, 2004, Pursuant To The Terms Set Forth In The Interlocal Agreement, Dated August 12, 2004, By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA) And Miami-Dade County, Florida, For The Purpose Of Establishing The Use Of 1.5% Of The Tax Increment Revenues Against Real Property Located Within The South Pointe Redevelopment Area And The City Center/Historic Convention Village Redevelopment And Revitalization Area To Be Remitted To The City And County At Fiscal Year End.

**ACTION: Resolution No. 480-2004 adopted.** Motion made by Commissioner Gross; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

Christina Cuervo, Assistant City Manager, introduced the item.

- F A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$129,807 In South Pointe Trust Fund Revenues And \$125,443 In City Center Trust Fund Revenues, To Be Remitted To The City Of Miami Beach In Payment For Its Share Of The Administrative Fee For Fiscal Year Ending September 30, 2004, Pursuant To The Terms Set Forth In The Interlocal Agreement, Dated August 12, 2004, By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA) And Miami-Dade County, Florida, For The Purpose Of Establishing The Use Of 1.5% Of The Tax Increment Revenues Against Real Property Located Within The South Pointe Redevelopment Area And The City Center/Historic Convention Village Redevelopment And Revitalization Area To Be Remitted To The City And County Respectively At The End Of The Fiscal Year.

**ACTION: Resolution No. 481-2004 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

Commissioner Gross asked about the status of the money going to the Children's Trust reinvested in local community organizations on the Beach.

Christina Cuervo, Assistant City Manager, informed that the Administration met with individuals from the Children's Trust in April of 2004. The RFP for this year did not separate out Miami Beach. The Administration requested and they agreed to enhance funding in the summer programming. Their commitment is from this appropriation, and there will be a separate RFP every year for children's programming.

Commissioner Gross congratulated Commissioner Bower, the City Manager and staff, for helping out the community organizations in the City of Miami Beach.

Jorge Gonzalez, City Manager, stated that the Neighborhood Service Department will be submitting an application for a grant funding. There will be coordinated applications so that all of the agencies can come together to do a community application and compliment one another. Vivian Guzman to handle.

**1:03:57 p.m.**

- G A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$232,000 In Available Tax Increment Funds In Order To Complete The Lighting And Fountains Enhancement Project On Lincoln Road.

**ACTION: Resolution No. 482-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

Fred Beckmann, Public Works Director, introduced the item.

Commissioner Gross stated that there was a permit issued by the City of Miami Beach Building Department, there was an approved electrical rough inspection, and now Miami-Dade County is asking the City of Miami Beach to remove and reinstall 285 fixtures. He asked how Miami-Dade County can supersede the City of Miami Beach Building Department. This represents a \$67,000 cost to the City to reinstall the fixtures.

Fred Beckmann, Public Works Director, stated that the junction boxes were deemed, by the

Miami-Dade Building Code Compliance Office, not to be satisfactory in the mechanical elements of the box, and directed the City of Miami Beach that those boxes be changed. He explained that the Miami-Dade Building Code Compliance Office is over all of the Building Officials in Miami-Dade County and they can direct the Building Officials of the Municipalities to make changes.

Commissioner Gross stated that it seems strange that the County is not involved in any of the review processes but can come in at any time and deem the installation unsatisfactory. The Administration needs to contact Miami-Dade County to see if this is absolutely necessary.

Jorge Gonzalez, City Manager, stated that they Administration will find out if there is any appeal process through BORA. **Fred Beckmann and Phil Azan to handle.**

Meeting adjourned at 6:43:25 p.m.

Mayor Dermer suggested that if there is no time constraint on the Personnel Board, appointments will be made at the September 9, 2004 Special Commission Meeting.

### **End of RDA Agenda**